IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 22494 of 2007(R)

PETITIONER:

P.S.BABU, U.D.CLERK,
OFFICE OF THE ADDL. CHIEF JUDICIAL
MAGISTRATE COURT, ERNAKULAM.

BY ADV. SRI.G.SASIDHARAN CHEMPAZHANTHIYIL
SRI.S.VISHNU

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY, TRANSPORT DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR,
DIRECTORATE OF STATE WATER TRANSPORT
DEPARTMENT, ALAPPUZHA.

3. THE REGISTRAR(SUBORDINATE JUDICIARY),
HIGH COURT OF KERALA, ERNAKULAM.

4. THE ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, OFFICE OF THE ADDL.CHIEF
JUDICIAL MAGISTRATE, ERNAKULAM.

BY GOVERNMENT PLEADER SRI.BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.22494 of 2007-R

Dated this the 23rd day of July, 2007.

J U D G M E N T

The petitioner is a U.D. Clerk, working in the office of the 4th respondent. He was working in the State Water Transport Department. While he was advised to the Judicial Department by the Public Service Commission, he joined the said Department on 12-1-2001. The petitioner submits, he has filed Ext.P3 representation, on 24-3-2006, through proper channel, for going back to his parent department. Finally, the 3rd respondent issued Ext.P8 communication stating that the High Court has no objection in relieving the incumbent for joining his parent department. The said order is dated 19-7-2007. This writ petition is filed on 20-7-2007, praying for a direction to take further action before 31-7-2007. Now, only one week is left before the date of superannuation of the petitioner. So, I think it is not just or proper for this court to rush the competent authority in the matter. Further, the said authority cannot be accused of having caused any delay for not acting on an order issued on 19-7-2007, on 20-7-2007, the date on which the writ petition is filed. The petitioner should have approached this court earlier, if his application was not considered, in time. The present direction sought to implement Ext.P8 cannot be granted, having regard to the facts of the case. But, this does not mean that the competent

authority cannot implement Ext.P8. But, it is meant that this court need not interfere with this matter, invoking its power under Article 226 of the Constitution of India.

Accordingly, the Writ Petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS